

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**RICHARD DARON KENNEDY,**       :  
**AIS 196984,**                               :

**Petitioner,**                               :

**vs.**   :

**CA 10-0251-CG-C**

**LEON FORNISS,**                               :

**Respondent.**                               :

**JUDGMENT**

In accordance with the order entered on this date, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** that the present habeas corpus petition, filed pursuant to 28 U.S.C. § 2254, be dismissed without prejudice due to petitioner's failure to comply with 28 U.S.C. § 2244(b)(3)(A). Kennedy is not entitled to a certificate of appealability and, therefore, he is not entitled to appeal in forma pauperis.

**DONE** and **ORDERED** this 23rd day of September, 2010.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE